

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7000

BILL NUMBER: SB 298

DATE PREPARED: Dec 31, 1998

BILL AMENDED:

SUBJECT: Death penalty.

FISCAL ANALYST: Mark Bucherl

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill abolishes the death penalty. It specifies that if a person was sentenced to death and is awaiting execution of the death sentence, the person's death sentence is commuted to a sentence of life imprisonment without parole. It also makes conforming amendments.

Effective Date: July 1, 1999.

Explanation of State Expenditures: In eliminating the death penalty, this bill would also eliminate reimbursements to counties from the dedicated Public Defense Fund which reimburses counties 50% for the cost of defending indigent persons tried in capital cases. FY 98 expenditures from the fund were \$799,000 (typical expenditures average about \$500,000 a year). The fund received an annual statutory allotment of \$2.4 M and was supplemented by a state General Fund appropriation of \$600,000 in FY 98 and 99. The fund is also used to partially reimburse the costs of noncapital cases (\$ 1 million in FY 98).

Death penalty case appeals costs will also be saved under this bill. These typically involve expenditures by state entities, including: (1) the Office of Attorney General; (2) the State Public Defender's Office; and (3) the Supreme Court.

There are currently 44 persons on death row who would join the 38 currently serving life imprisonment without parole (LIWP). The average appeals period for death row inmates is 13 to 14 years. Currently, most LIWP offenders are housed in the State Prison and the Pendleton Correctional Facility. The average annual operating costs for both facilities is \$17,300. All death row inmates are housed at the State Prison. Past research has shown that the cost of offenders housed for LIWP is less than the total costs of appeals for death penalty cases. (Recent limitations placed on death penalty appeals at both the state and federal levels, however, may decrease capital case costs over time.)

Explanation of State Revenues:

Explanation of Local Expenditures: Under this bill, counties would save some of the costs allocated to providing indigent defense services in capital cases (see under State Expenditures). Research indicates that the trial and appeals costs for death penalty cases can be two to three times more than the current range of \$37,000 and \$90,000 spent for other crime convictions. (Death penalty case costs are inflated by additional police investigation and court time, prosecution resources, or the costs of lengthy jury trial with a sequestered jury.)

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Planning Division, Randall Koester, Department of Correction.